REMARKS

Claims 1 and 4-11 are in the case and presented for reconsideration. Claims 2, 3, 12-22 have been canceled. Claim 1 has been amended. No new matter has been added.

Claim 1 has been amended in order to more particularly point out an apparatus for use with a subject comprising a catheter having a longitudinal axis and a distal portion; and an ultrasound array comprising between about 32 and 64 ultrasound transducers circumferentially arranged around the longitudinal axis at the distal portion and adapted to operate in a phased array mode to apply ablating energy to tissue of the subject located in a range of azimuths, with respect to the longitudinal axis, that is less than 360 degrees, including a range of azimuths between 180 and 359 degrees. The support for this Amendment can be found in the Applicant's Specification, for example, Page 10, Lines 21-26.

Claims 1, 3, 4, 5, 6, 7, 8, 9, 12, 16, 18, and 20-21 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,971,394 (Sliwa, Jr. et al.). Claims 2, 13-15 and 17 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Sliwa. Claims 8, 11, 19 and 22 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Sliwa in view of U.S. Patent 6,004,269 (Crowley et al.).

With respect to the cited prior art references, Sliwa discloses methods and devices for ablation wherein some embodiments disclose a device 400 that delivers focused ultrasound formed at an angle of 10 to 170 degrees, more preferably, 30 to 90 degrees and more preferably about 60 degrees as defined relative to a focal axis A. Column 28, lines 33-42.

Although Sliwa discloses the use of a multi-element acoustic phased array, there are no specific teachings or even suggestions relating to the number of ultrasound transducers nor a range of azimuths associated with the delivery of ultrasound energy therefrom. Contrary to the Examiner's view, Sliwa does not teach or suggest applying ablating energy to tissue in a range of azimuths between 180 and 359 degrees. Rather, Sliwa teaches that a single transducer 406 can

be "angled, pivoted or tilted" through use of a "mechanical pivot". Clearly, the Sliwa transducer arrangement could never achieve the range of azimuths achieved by Applicant's claimed present invention as amended.

Crowley et al. discloses catheters for imaging, sensing electrical potentials, and ablating tissue. Even though the Crowley et al. catheter includes an ultrasound device 10 for acoustic imaging, there are no teachings or suggestions in this reference, even when combined with the Sliwa, Jr. et al. reference that would ever lead one of ordinary skill in this field to arrive at the Applicant's claimed present invention as amended.

Claims 1-22 have been provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over Claims 1-35 of copending patent application No. 10/304,500. A duly executed Terminal Disclaimer is enclosed herewith.

Accordingly, by this Amendment and for the reasons outlined above, Applicant's claimed present invention is neither anticipated by nor rendered obvious by the cited prior art references and favorable action is respectfully requested.

Respectfully submitted,

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Dated: June 12, 2006